

In re Patent Application of:  
**BRIEF ET AL**  
Serial No. 10/816,323  
Filed: 04/01/2004

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Office Action alleges that the product of Claims 1-6 and 8-14 can be made by a "different" process, such as attaching MT ferrules using an "adhesive". This statement appears to be an attempt to comply with the showing required by MPEP Section 806.05 (f) that the product as claimed can be made by another and materially different process.

However, upon comparing the invention defined in Claims 1-6 and 8-14 with the invention defined in Claim 7, it becomes readily apparent that both claimed inventions involve the use of the same components to produce a module that securely retains a pair of fiber optic MT ferrules in a mutually abutting face-to-face condition, while also protecting the ferrules from being impacted by foreign matter.

In particular, step (a) of the methodology of Claim 7 of claim Group II recites the same architectural combination of components, of which the module defined in Claims 1-6 and 8-14 of claim Group I is comprised. It is this combination of components that achieves the solution to the problem addressed by the present invention, as it forms a structure that securely and robustly retains two MT ferrules in aligned, face-to-face abutment, yet allows the two ferrules to be disengaged from one another when a prescribed disconnection technique is employed, as described in the last 6 lines of [006] on page 3 of the specification.

To this end, the claimed combination includes a base member and a cover that engages the base member, with the base member and the cover having respective structural configurations that capture the two MT ferrules therebetween, so that the ferrules are held thereby in a face-to-face abutting condition, as recited in each of independent Claims 1 and 8 of the first Group (I) of Claims 1-6 and 8-14 and in paragraphs 1 and 2 of

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step (a) of Claim 7 of Group II.

An additional component of the combination of which the module is formed - a biased compression spring 195 - is captured between a foot member 220 of the cover 200 and an alignment pin assembly 30, so that the two MT modules are urged or biased toward one another, thereby securely retaining the ferrules, with their flat end faces in flush, face-to-face contact, within the ferrule retention cavity of the base member. In its compressed condition, as captured between the cover and the base, the bias compression spring also serves to assist the removal of the cover from the base member, as it facilitates translation of the foot member 220 of the cover 200 rising up and past a lip 159 in the base member, as described in paragraph [033] of the specification. This bias compression spring is recited in the third paragraph of Claim 1 and in Claim 9 of the Claims 1-6 and 8-14 of Group I, and also in paragraph 3 - of step (a) of Claim 7 of Group II.

Applicants further respectfully submit that the process defined by the steps of Claim 7 necessarily results in the product defined in Claims 1-6 and 8-14, on the one hand, and that the outstanding Office Action contains no valid demonstration that the module as claimed in Claims 1-6 and 8-14 can be made by a process materially different from that of Claim 7. Both groups of claims employ the same combination of features of which the module is configured as noted above. In addition, the alternative process suggested in paragraph 2, on page 2, of the outstanding Office Action is not only inconsistent with such claimed combination of features, but it will not be expected to produce a module having the structure claimed in Claims 1-6 and 8-14.

More particularly, as pointed out above, and as is

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believed to be clearly delineated in each of Claims 1-14, the two MT ferrules are retained in a face-to-face, abutting condition by a particularly configured cover and a particularly configured ferrule retention cavity of an associated base member. As noted earlier, the base member and cover provided in step (a) of method Claim 7 have the same configuration and perform the same functionality as the base member and cover defined in product Claims 1-6 and 8-14. Since the module claimed in Claims 1-6 and 8-14 requires the same component employed in the methodology of Claim 7, Applicants respectfully submit that the module "as claimed" cannot be made by a process that is materially different from the definition of the invention in Claim 7.

Applicants further point out that an adhesive should not be used to attach the MT ferrules to one another in the module of the invention, as proposed in the outstanding Office Action, since doing so would prevent the two ferrules from being disengaged from one another. Such disengagement of the two ferrules retained by the module structure of the present invention is readily accomplished by simply removing the cover from the base member, so that the ferrules may be removed from the ferrule retention cavity of the base member, into which the ferrules had been previously drop - fit, as described, for example, in lines 10-15 of paragraph [006], lines 1-5 of paragraph [027], and lines 12 and 13 of paragraph [033] of the specification. In addition, permanently "attaching" abutting faces of the ferrules to one another by means of an adhesive therebetween would effectively prevent the respective end faces of the two ferrules from directly abutting one another. The insertion of an adhesive material between the end faces of the ferrules would result in a separation or spacing between the end faces, rather than abutment thereof so that the ends of the optical fibers within the ferrules, rather than being in intimate, front face contact with one another, would be spaced

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apart, causing the module to suffer substantial insertion loss. Simply put, the proposed "different" process of making the module, suggested in paragraph 2, on page 2, of the outstanding Office Action not only ignores the fact that both groups of Claims I and II employ the same terminology to define the invention, but involves the addition of an unnecessary and intrusive material (adhesive), that would result in a product that is effectively inoperative for its intended purposes, and would prevent disengagement of the two ferrules from one another, which is contrary to the invention, as discussed above.

Of course, reference to different searches, as set forth in item 3, on page 2, of the outstanding Office Action deals with the manner of examination of patent applications, not distinctness between inventions that warrants restriction therebetween.

In view of the foregoing demonstration that the requirement for restriction advanced in the outstanding Office Action does not satisfy the requirements of MPEP Section 806.05 (f), reconsideration and withdrawal of the requirement, together with a complete examination of all the claims are respectfully requested.

Still, in order to be fully responsive to the particular requirement advanced in the outstanding Office Action, Applicants provisionally elect the invention of Group I, which currently includes Claims 1-6 and 8-14.

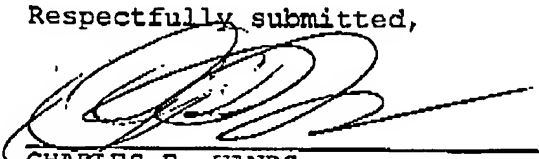
Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

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Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 08-0870 and please credit any excess fees to such deposit account.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, this 8 day of December 2005.

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